

**CRIMINAL DOCKET  
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
<b>THE UNITED STATES</b>  <b>vs.</b>  David Scott Cherry	<b>For U. S.:</b>  Ben Baker   <b>For Defendant:</b> Kenneth Stainer (Ct. Appt.) Mayo Bldg. Tulsa, Okla. 74103

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 5-3-71	Clerk				
J.S. 3 mailed 6-30-71	Marshal				
Violation 50 APP. 462	Docket fee				
Title					
Sec.					

DATE	PROCEEDINGS
4-13-71	Defendant present in person and represented by Kenneth Stainer, Ct. Appt. Defendant waives indictment and is filed in open court. Information filed, reading waived. Deft. arraigned and enters a plea of NOT GUILTY. Deft. signs a Waiver of Jury. To be set on the Next Non-Jury Docket. (AEB-J)r (Age 20)
4-13-71	Personal bond of the defendant in the sum of \$1,000.00, filed. b
4-13-71	Order specifying methods and conditions of release, filed. b
5-18-71	Case set for N/J trial on Tuesday, May 25, 1971 at 10:00 A.M. (AEB-J)h
5-25-71	Non-Jury trial passed to Thurs. May 27, 1971 at 10:00 A.M. (AEB-J)h
5-25-71	Passed to Tuesday, June 8, 1971 at 10:00 A.M. for change of plea. (AEB)
6-1-71	Motion for Continuance filed by defendant. h
6-5-71	It is ordered that motion for continuance by def. granted and
6-15-71	Defendant present in person and represented. Defendant withdraws his plea of not guilty entered 4-13-71 and enters plea of GUILTY, and is adjudged GUILTY as charged.
	Judgment and Sentence- Terry Lee Greenburg (20)
	It is adjudged that the defendant is hereby placed on probation for a period of thirty (30) months from this date, on the condition that he serve that time in non-combatant duty. (AEB-J)h

DATE	PROCEEDINGS
6-15-71	Order of probation filed and entered. (AEB-J)h
6-15-71	Two c.c. of order of Prob. delivered to Prob. Office.h
6-25-71	Order Modifying Sentence to thirty (30) months from this date on the condition that he report for non-combatant duty at the University of Kansas Medical Center at Topeka, Kansas, Filed. (AEB-J)r <i>Copy mailed to 5/1/72</i>

UNITED STATES MAGISTRATE  
NORTHERN DISTRICT OF OKLAHOMA

RECORD OF PROCEEDINGS IN CRIMINAL CASES

BEFORE Morris L. Bradford U. S. Court House, Tulsa, Oklahoma  
(Name of magistrate) (Address)

MAGISTRATE'S  
DOCKET NO. 1 CASE NO. 18  
THE UNITED STATES  
vs.

DAVID SCOTT CHERRY

Complaint filed on March 11, 1971, by William L. Buchanan  
Official title Special Agent, FBI, charging violation of  
United States Code, Title 50 App., Section 462, on Jan. 20  
1971, at Tulsa, Oklahoma in the  
division of the Northern district of Oklahoma  
as follows: Did fail and neglect to comply with an  
order of his local draft board to report for and  
submit to induction into the Armed Forces of the  
United States.

(Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date March 11, 1971 Warrant/Summons for David Scott Cherry  
to (name and title of officer) U. S. Marshal or any other authorized person (Name of defendant)  
Substance of return FILED

Date \_\_\_\_\_ Warrant/Summons for \_\_\_\_\_  
to (name and title of officer) \_\_\_\_\_ (Name of defendant)  
Substance of return MAR 29 1971  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO MAGISTRATE:

Date March 12, 1971 Arrested by William L. Buchanan on warrant of Morris L. Bradford  
(Name of issuing officer)  
Appearances { for United States Ben Baker, Ass't. U. S. Att'y., Tulsa, Oklahoma without warrant.  
(Name) (Address)  
for accused None (Name) (Address)  
Proceedings taken The accused was brought before the undersigned Magistrate and ad-  
(Here insert with dates, when appropriate, a serial account of essential steps taken at hearing such as "complaint prepared,"

vised of his constitutional rights and of the charges contained in Complaint. The  
accused was advised of his right to counsel at this hearing and subsequent hearings  
and waived right to counsel at this hearing but requested that counsel be appointed  
to represent him at subsequent appearances. The accused advised the court that he  
desired a preliminary hearing and same was set for March 24, 1970 at 10 a.m.

Kenneth L. Stainer was appointed by the court to represent accused at all future  
proceedings. Accused executed personal bond in amount of \$1,000.00.

Accused released on his personal bond.

Outcome

March 12 71 1,000.00  
Bail fixed \_\_\_\_\_, 19 \_\_\_\_\_ Amount, \$ \_\_\_\_\_ Bonded \_\_\_\_\_, 19 \_\_\_\_\_, by cash  
deposited by (name) \_\_\_\_\_ Address \_\_\_\_\_  
transmitted to clerk of district court \_\_\_\_\_, 19 \_\_\_\_\_ [or] by surety  
(name) \_\_\_\_\_ Address \_\_\_\_\_  
(name) \_\_\_\_\_ Address \_\_\_\_\_, who  
justified by affidavit dated \_\_\_\_\_, 19 \_\_\_\_\_, [or] committed to \_\_\_\_\_  
on \_\_\_\_\_, 19 \_\_\_\_\_

SUBPOENAS FOR WITNESSES ISSUED:

\_\_\_\_\_, 19\_\_\_\_, for (name of witness) \_\_\_\_\_  
at request of (name of party) \_\_\_\_\_  
Substance of return \_\_\_\_\_

\_\_\_\_\_, 19\_\_\_\_, for (name of witness) \_\_\_\_\_  
at request of (name of party) \_\_\_\_\_  
Substance of return \_\_\_\_\_

\_\_\_\_\_, 19\_\_\_\_, for (name of witness) \_\_\_\_\_  
at request of (name of party) \_\_\_\_\_  
Substance of return \_\_\_\_\_

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date **March 24, 1971** Appearances for

{ United States (Name) \_\_\_\_\_  
(Address) \_\_\_\_\_  
Accused (Name) \_\_\_\_\_  
(Address) \_\_\_\_\_

WITNESSES FOR UNITED STATES: (List names and addresses)

WITNESSES FOR ACCUSED: (List names and addresses)

Witness payroll containing \_\_\_\_\_ names certified to United States Marshal for payment \_\_\_\_\_, 19\_\_\_\_  
Proceedings taken \_\_\_\_\_

**Preliminary hearing was waived for the accused by Kenneth L. Stainer,  
attorney for the accused, in open court.**

Outcome

Bail fixed \_\_\_\_\_, 19\_\_\_\_ Amount, \$ \_\_\_\_\_ Bonded \_\_\_\_\_, 19\_\_\_\_, by cash  
deposited by (name) \_\_\_\_\_ Address \_\_\_\_\_  
transmitted to clerk of district court \_\_\_\_\_, 19\_\_\_\_  
[or] by surety (names) \_\_\_\_\_ Address \_\_\_\_\_  
and \_\_\_\_\_ Address \_\_\_\_\_  
who justified by affidavit \_\_\_\_\_, 19\_\_\_\_ Committed to \_\_\_\_\_  
on \_\_\_\_\_, 19\_\_\_\_

Certified to be a correct transcript.

Made this **23rd** day of **March**, 19 **71**

Transmitted to Clerk of United States District Court for the **Northern**  
district of **Oklahoma** **March 23**, 19 **71**

*Marvin R. B. [Signature]*  
United States Magistrate.